



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

JOHN D. CHERRY, JR.  
LT. GOVERNOR

**EXECUTIVE ORDER**  
**No. 2007 - 2**

**DEPARTMENT OF CORRECTIONS**  
**EXECUTIVE CLEMENCY ADVISORY COUNCIL**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 the Governor is responsible for the faithful execution of the laws;

WHEREAS, Section 14 of Article V of the Michigan Constitution of 1963 vests the Governor with the authority to grant executive clemency in the form of reprieves, commutations, and pardons;

WHEREAS, Section 24 of Article I of the Michigan Constitution of 1963 declares that crime victims have the right to information about the conviction, sentence, imprisonment, and release of the accused;

WHEREAS, executive clemency in the form of a reprieve, commutation, or a pardon constitutes extra-judicial relief and should be granted sparingly, only after careful review and a thorough investigation;

WHEREAS, Chapter III of the Corrections Code of 1953, 1953 PA 232, MCL 791.231 to 791.246, creates a Parole Board within the Department of Corrections to, among other things, assist the Governor in considering applications for executive clemency;

WHEREAS, under Section 43 of the Corrections Code of 1953, 1953 PA 232, MCL 791.243, all applications for reprieves, commutations, and pardons must be filed with the Parole Board upon forms provided by the Parole Board, and must contain the information, records, and documents the Parole Board requires by rule;

WHEREAS, under Section 6 of the Corrections Code of 1953, 1953 PA 232, MCL 791.206, the Director of the Department of Corrections is authorized to promulgate administrative rules to provide for the manner in which applications for a reprieve, medical commutation, commutation, or a pardon may be made to the Governor;

WHEREAS, Section 44 of the Corrections Code of 1953, 1953 PA 232, MCL 791.244, establishes a procedure for the Parole Board to follow regarding applications for reprieves, commutations, or pardons;

WHEREAS, Section 44 of the Corrections Code of 1953, 1953 PA 232, MCL 791.244, requires the Parole Board to determine within 60 days whether an application for a reprieve, commutation, or pardon has merit prior to initiating an investigation or conducting a hearing regarding the application, and this determination of merit by the Parole Board requires the dedication of significant resources within a limited time period;

WHEREAS, the establishment of the Executive Clemency Advisory Council can assist the Parole Board in the review of applications requesting a reprieve, commutation, or a pardon and help alleviate time constraints and other burdens imposed upon the Parole Board relating to the review of applications for executive clemency;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

## **I. DEFINITIONS**

As used in this Order:

A. "Department" means the Department of Corrections, a principal department of state government created by Executive Order 1991-12, MCL 791.302.

B. "Board" means the Parole Board established within the Department on October 1, 1992, by Section 31a of the Corrections Code of 1953, 1953 PA 232, MCL 791.231a.

C. "Council" means the Executive Clemency Advisory Council created within the Department by this Order.

## **II. CREATION OF THE EXECUTIVE CLEMENCY ADVISORY COUNCIL**

A. The Executive Clemency Advisory Council is created as an advisory body within the Department. The Council shall exercise its prescribed powers, duties, and functions independently of the Director of the Department.

1. The Council shall consist of 7 members appointed by the Governor, and shall include individuals representing law enforcement, crime victims or their families, and the general public.

B. Members of the Council shall serve at the pleasure of the Governor.

C. A vacancy on the Council shall be filled in the same manner as the original appointment.

### **III. CHARGE TO THE COUNCIL**

A. The Council shall act in an advisory capacity to the Parole Board. Upon the request of the Governor or the Parole Board, the Council may advise and assist the Parole Board in conducting the review of an application for a reprieve, commutation, or pardon for the purpose of determining whether the application has merit, as provided under Section 44 of the Corrections Code of 1953, 1953 PA 232, MCL 791.244. The Council may accept and consider written information provided by the sentencing judge, the prosecuting attorney of the county having original jurisdiction over the case, or their respective successors in office, each crime victim, and any other interested member of the public.

B. The Council shall provide other information, recommendations, or advice relating to applications for reprieves, commutations, and pardons, as requested by the Governor or the Parole Board.

### **IV. OPERATION OF THE COUNCIL**

A. The Council shall be staffed and assisted by personnel from the Department as directed by the Governor. Any budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations. The Council may adopt standards or procedures consistent with Michigan law to use in considering recommendations or other advice to the Parole Board regarding whether an application for a reprieve, commutation, or pardon has merit.

C. The Governor shall designate one of the members of the Council to serve as its Chairperson. The Council may select a Vice-Chairperson from among its members.

D. A majority of the members serving on the Council shall constitute a quorum for the transaction of the Council's business. The Council shall act and make recommendations to the Parole Board by a majority vote of its serving members.

E. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of

Management and Budget and the Civil Service Commission, subject to available funding.

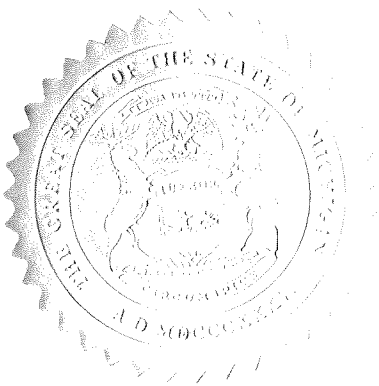
F. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

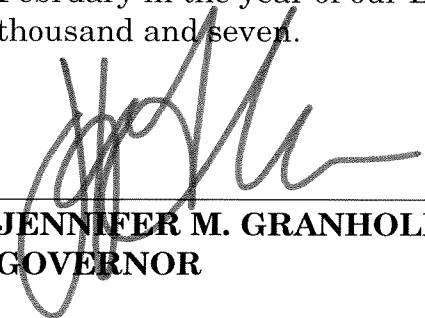
**V. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

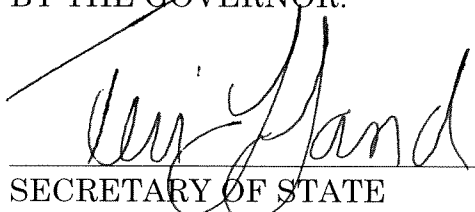
B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

Given under my hand and the Great Seal of the State of Michigan this 16 day of February in the year of our Lord, two thousand and seven.



  
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**JENNIFER M. GRANHOLM**  
**GOVERNOR**

BY THE GOVERNOR:

  
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SECRETARY OF STATE

FILED WITH SECRETARY OF STATE  
ON 2/16/07 AT 11:21 AM